

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/
(954) 797-1101
Prepared by: Philip Bachers, Planner I

SUBJECT: Quasi Judicial Hearing: Special Permit / SE 10-1-05 / Davie Travel Center/ / 4751 SW 30 St., generally located south of I-595 and east of the Florida Turnpike

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: SE 10-1-05 / Davie Travel Center

REPORT IN BRIEF:

The petitioner has requested a special permit in order to store vehicles.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of the parcel for vehicle storage is compatible with permitted uses allowed in the zoning district. The proposed location is well-separated from the right-of-way, will be adequately landscaped around the perimeter, and will not have an adverse impact on the surrounding area.

PREVIOUS ACTIONS:

Planning & Zoning Board, August 9, 2006

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve for a 12-month period with the stipulation that they file a landscape plan with the Town; to go through the site plan process; with the uses as stated: no additional uses, no hazardous waste, no fuel storage, oils, grease, any contaminants or flammables that would include any hot tar for roofs or anything, although tar in containers would be fairly safe; no repairs of vehicles; and include staff's recommendations in the planning report. (Motion carried 3-2 with McLaughlin, Stevens and Turin voting in favor and Bender and Busey voting against.)

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Staff Report, Justification Letter, Public Participation Report, Site Plan, Future Land Use Plan Map, and Zoning and Aerial Map

Application: SE 10-1-05 / 03-189 / Davie Travel Center
Exhibit "A"
2006

Revisions:
Original Report Date: August 3,

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner: Gerald Brauser
Address: 820 Andrews Ave.
City: Pompano Beach, FL 33069
Phone: (954) 788-8433

Petitioner:
Name: Davie Travel Center, Inc.
Address: 820 Andrews Ave.
City: Pompano Beach, FL 33069
Phone: (954) 788-8433

Background Information

Date of Notification: July 14, 2006 **Number of Notifications:** 16

Application History: No deferrals have been requested.

Application Request: Special Permit for temporary storage of trucks, cars, trailers, and other items pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

Address/Location: 4751 SW 30 St., Davie

Future Land Use
Plan Map Designation: I, Industrial

Zoning: TS, Truck Stop

Existing/Proposed Use: vacant/vehicle storage

Net Parcel Size: 32.8 acres (within the Town of Davie limits)
Folios #: 0124-05-005; -0051; 0137-01-060; -030

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	I-595	Transportation
South:	Twin Lakes M.H.P.	Industrial
East:	S.R.7 and I-595	Transportation
West:	FL Turnpike	Transportation
	<u>Surrounding Zoning:</u>	
North:	Transportation (T)	
South:	M-4 (Broward County)	
East:	M-3 (Hacienda Village)	
West:	M-3 or M-4 (Broward County)	

Zoning History

Related Zoning History: The property was annexed into the Town of Davie on June 19, 1996.

On December 1, 1999, the Town Council approved Ordinance 99-42 adopting the “Planned Truck Stop District” into the Land Development Code.

A rezoning request was approved by Town Council on March 1, 2000 through Ordinance 2000-009 rezoning the property from M-4 (County) to TS, Truck Stop. A subsequent corrective rezoning was approved by Town Council removing the Spur Road (SW 30th Street) from the previous rezoning request, as the land was not under ownership of the applicant.

Previous Requests on the same Property:

On March 15, 2000, the Town Council approved Special Permit 12-1-99 assigning 11.78 acres of Commercial flex to the site, utilizing the 20% Industrial to Commercial acreage rule pursuant the Broward County Administrative Rules Document.

Ordinance 2003-7 was approved by Town Council on March 5, 2003 rezoning the SW 30th Street from M-4 (County) to M-3, Planned Industrial Park (Town of Davie).

SE 4-1-05, Special Permit Request for two temporary office trailers was submitted April 27, 2005. It is currently under review.

Recent Submissions on the same Property:

A conceptual plan has been submitted for “Grand Plaza,” a mixed-use development proposed to contain 848,140 sq. ft. of office space, 68,460 sq. ft. of retail, 250 hotel rooms, and 1067 residential units in buildings ranging from 3 to 18 stories.

Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code, Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

Comprehensive Plan Considerations

Planning Area: The subject property is within Planning Area 6. This Planning Area includes lands located south of S.R. 84, east of University Dr. and north of Nova Dr., together with lands located east of the FL Turnpike and west of S.R. 7, south of S.R. 84 and north of the south town limits. The majority of the planning area is industrially zoned and land use plan designated.

There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

The town is encouraging development and redevelopment of properties within this area to strengthen the town's non-residential tax base for the future.

Broward County Land Use Plan: The property is in Flexibility Zone 58.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-1: The Industrial category shall provide for the development of diversified facilities necessary to promote strong economic and employment bases for the town.

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-2: The town shall endeavor to expand its economic base through expansion of the industrial and manufacturing sectors of its economy.

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-4: Industrial land uses shall be located with access to primary transportation facilities, particularly interstates, highways, rail corridors, commercial airports, and navigable waterways. Consistent with policy 9-2, vacant land with such access shall be examined for potential industrial development.

Application Details

The petitioner has requested a special permit to allow temporary storage of vehicles to include trucks, trailers, truck tractors, R.V.'s , buses, heavy equipment on trailers, automobiles (no wrecked/junked), boats on trailers, and one fenced area for storage of roofing and road building materials (pavers, tiles, bricks, sand, rock, and clean fill).

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. In accord with the Town of Davie Code, the petitioner conducted two (2) meetings with the public on Monday, July 24, 2006, and Monday, July 31, 2006, both at 6 PM. The first and second meetings were held at Town Hall Community Room. The applicant sent sixteen (16) mailings to the surrounding property owners. There were no members of the public in attendance at the first meeting and no members of the public at the second meeting. (The approved public participation report is attached.)

Staff Analysis

The site is undergoing enforcement action by Town of Davie Code Compliance for the existing use of truck parking which is being done without an occupational license. The Special Master has given the property owner 90 days to resolve the issues on the property. The representative of the property owner is Steven Fielden, and he has begun to have removed from the site the items that do not qualify under the proposed special permit for placement there. If the special permit is issued, the site will be improved to store the permitted vehicles on improved surfaces, with fire hydrants, landscaping, directional traffic controls both active and passive, lighting, fencing, and 24-hour security.

This is a site proposed for a large mixed-use development if the conceptual site plan and eventually a master site plan is approved. Along with other instruments of development needed to legitimize a higher-use of the property, the special permit will allow the owner-of-record to resolve code compliance issues on the site while the mixed-use plan is reviewed.

Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed temporary storage of vehicles is an appropriate use under the industrial classification found in the Town of Davie Future Land Use Plan (I-53).

- (ii) The proposed change will not create an unrelated or incompatible use;

The proposed use is isolated from the town by limited-access transportation corridors on the east, north, and west. Land to the south is also industrially-zoned.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed use will have minimal adverse impacts on living conditions in the neighborhood or in the Town as the surrounding occupancies are industrially-zoned, or transportation corridors, not residential. The site will be peripherally-landscaped with a buffer, the surface will be a smooth, dust-free one, and access to the site will be by 24-hr security with one primary entrance/exit.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The current zoning of Truck Stop anticipates a frequent use of the site for incoming/outgoing traffic. It is adjacent to major arterial limited-access roadways and/or state routes, so volume of traffic into other parts of the town from/to the site is minimized due to its location at the NE periphery of the town.

- (v) The proposed change will not adversely affect surrounding property values;

The proposed temporary use will have no impact on surrounding property values the as property surrounding the site is industrially-zoned, or transportation-zoned, and the use is temporary.

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed use would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues. The surrounding properties are major transportation corridors for limited-access highways, or are industrially-zoned.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a use that may be permitted it if is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Exhibits

1. Justification Letter
2. Public Participation Report
3. Site Plan
4. Future Land Use Plan Map
5. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)

DAVIE TRAVEL CENTER

820 Andrews Ave Pompano Beach, Florida 33069

July 27, 2006

Mr. Bruce R. Dell
Planning & Zoning Manager
Town of Davie
6591 Orange Drive
Davie, Florida 33314

RE: Davie Travel Center – Special Use Permit
SE 10-1-05 – Temporary Use for Storage Parking
SE 4-1-05 – Temporary Use for Office Trailers
ML Project No: 06-00096

SUBJECT: PROPOSED SPECIFIC USES

Dear Mr. Dell:

The following is a list of the proposed uses for the temporary special use permit for storage parking for the above-noted project located at 4751 SW 30th Street Davie, FL.

In order to project a clean uniform appearance we are proposing that each type of unit be parked in segregated areas and will not be incorporated with other units of a different type.

1. Boats and boat trailers, No junk boats
2. Tractors and trailers
3. Dump trucks
4. Box trucks
5. RVs and buses
6. Heavy equipment, On trailers only
7. Steel storage containers
8. Automobiles that must have a valid title, no junked or wrecks and no flat tires.
9. We will need one fenced segregated area to hold and store roofing, and road building materials, such as tiles, pavers, bricks, sand, rock, and clean fill.

Thank you for your consideration, should you have questions or need additional information, please contact me at Cell (954) 801-1255. Office (954) 788-9554 Fax (954) 788-8433

Sincerely,



Steven A. Fielden
Project Manager
VP of Operations

Public Participation Report Mailing List

SE 10-1-05 Davie Travel Center
TWIN LAKES LAND RECLAMATION
INC
PO BOX 292037
DAVIE FL 33329-2037

SE 10-1-05 Davie Travel Center
STATE OF FLORIDA, DOT
3400 W COMMERCIAL BLVD
FORT LAUDERDALE FL 33309-3421

SE 10-1-05 Davie Travel Center
RUSSO ASSOCIATES INC
67 EAST AVE
LAWRENCE NY 11559

SE 10-1-05 Davie Travel Center
MEARS, JOHN W
3411 SW 50TH AVE
FORT LAUDERDALE FL 33314-2100

SE 10-1-05 Davie Travel Center
LTV PROPERTIES INC
6494 SCENIC HWY
PENSACOLA FL 32504

SE 10-1-05 Davie Travel Center
JOLMY ENTERPRISES INC
4751 SW 30 ST
FT LAUDERDALE FL 33314

SE 10-1-05 Davie Travel Center
GRUNDMAN, RICHARD
3030 BURRIS RD
DAVIE FL 33314

SE 10-1-05 Davie Travel Center
G S PROPERTY HOLDINGS INC
418 ALAMANDA DR
HALLANDALE FL 33009

SE 10-1-05 Davie Travel Center
FORMAN, MILES A & CHARLES
TRSTE
PO BOX 292037
DAVIE FL 33329-2037

SE 10-1-05 Davie Travel Center
EMBICK BROS ROOFING INC
4700 SW 30 ST
DAVIE FL 33314

SE 10-1-05 Davie Travel Center
DMG ROAD WORKS LLC
12209 S DIXIE HWY
MIAMI FL 33156-5236

SE 10-1-05 Davie Travel Center
DESIGNED TRAFFIC INSTALLA
2801 SW 46 AVE
FT LAUDERDALE FL 33314-1308

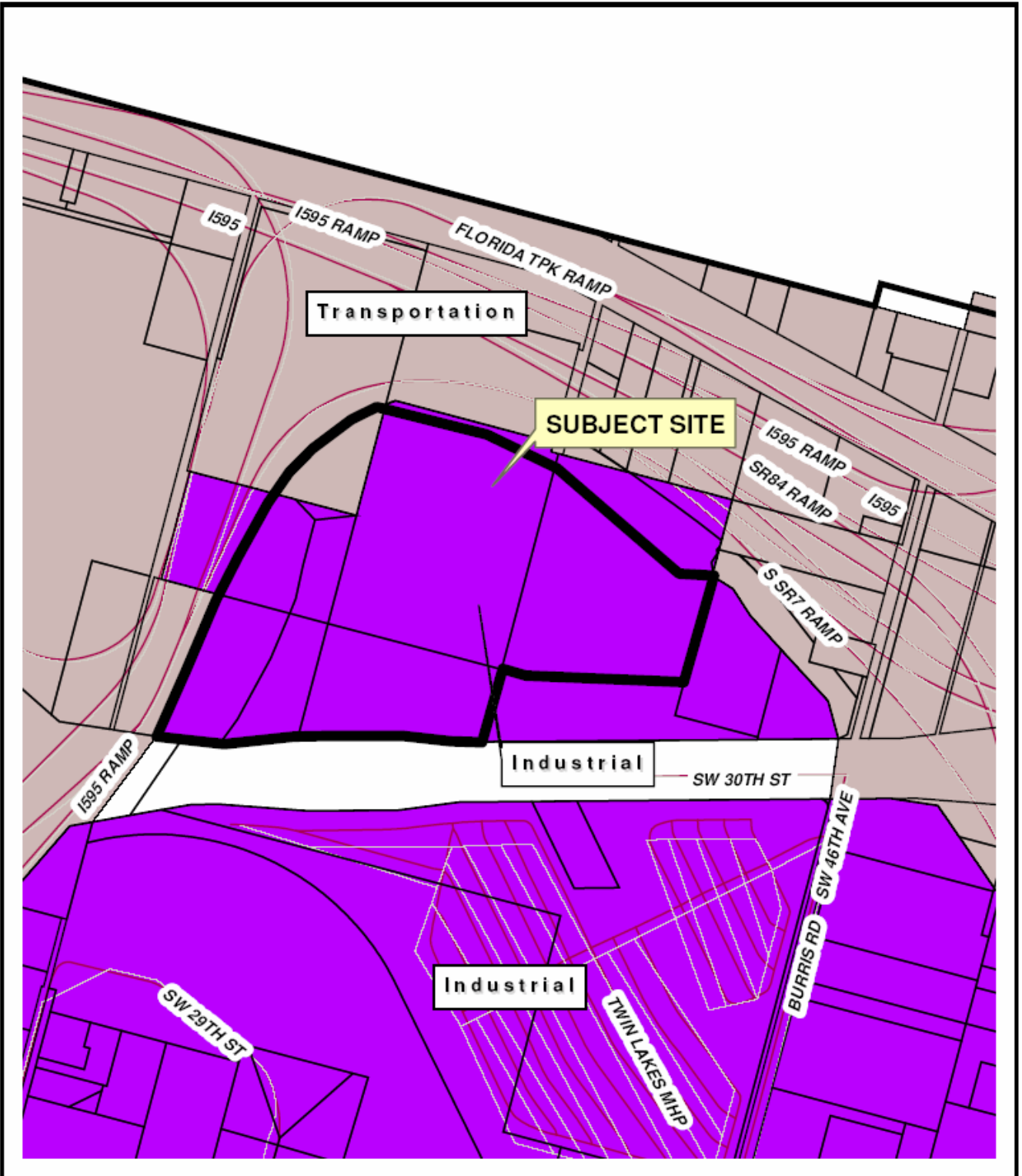
SE 10-1-05 Davie Travel Center
COOPER, ROBERT H & SHERRY J
3505 SW 50TH AVE
DAVIE FL 33314-2107

SE 10-1-05 Davie Travel Center
BURNUP & SIMS ENTERPRISES INC
15455 N DALLAS PKWY STE 925
ADDISON TX 75001

SE 10-1-05 Davie Travel Center
2238 NW 86TH STREET INC
517 SW 1 ST
FT LAUDERDALE FL 33301

Exhibit 3 (*Site Plan*)

large-scale format to be shown at Town Council meeting

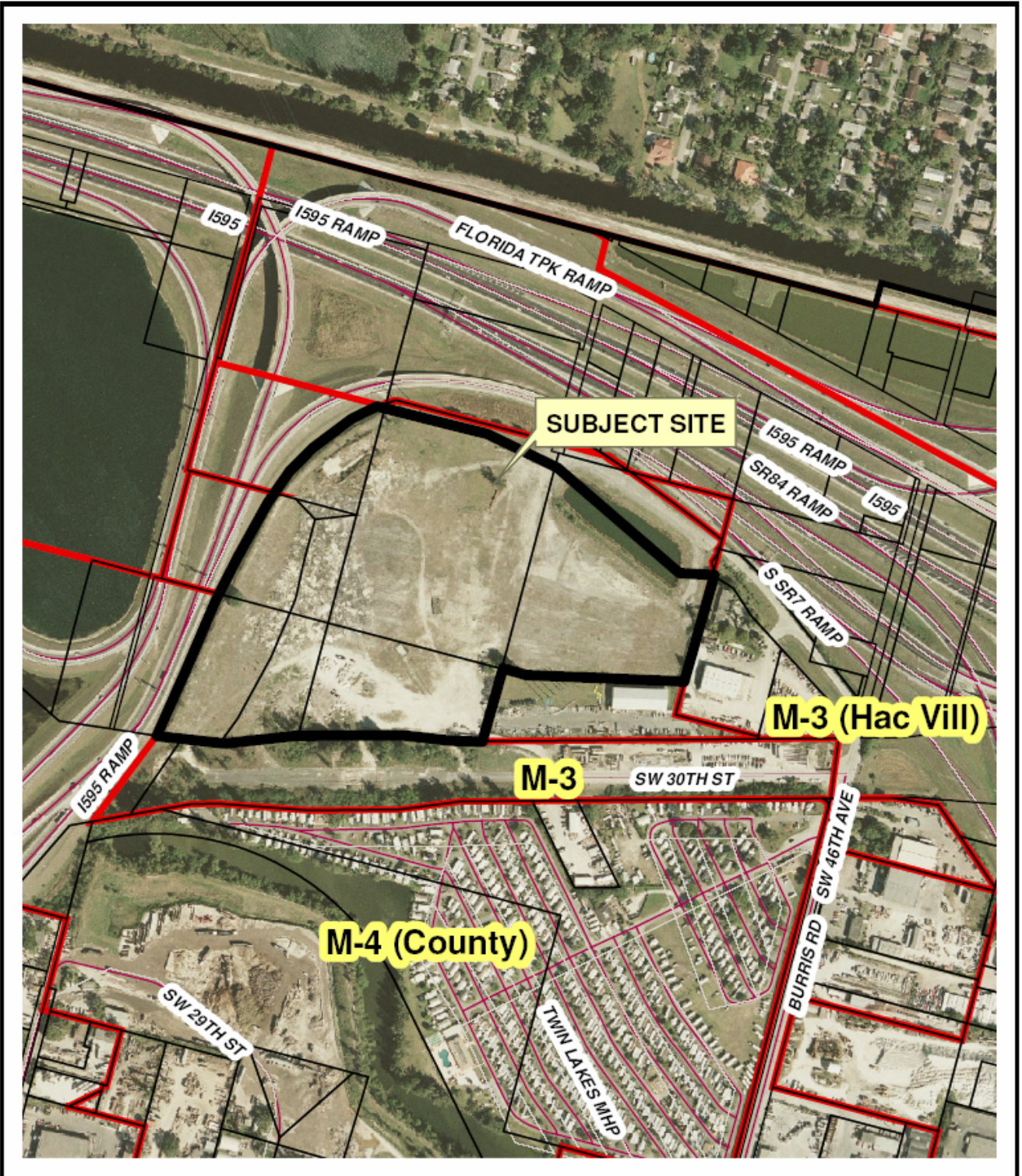


0 250 500 1,000 Feet

Prepared by the Town of Davie GIS Division

Special Permit SE 10-1-05 Future Land Use Map

Prepared by: ID
Date Prepared: 7/17/06



Date Flown:
12/2004



0 250 500 1,000 Feet

Prepared by the Town of Davie GIS Division

Special Permit SE 10-1-05 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 7/17/06

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